

DISTRICT COURT (FIFTH DISTRICT : IRON COUNTY) [1690]

CIVIL CASE FILES, 1896-1958.

69 microfilm reels

DESCRIPTION: These case files from the Fifth District Court in Iron County document the legal process and the administration of justice in conjunction with a civil proceeding for the determination of a controversy between parties wherein rights are enforced or protected, or wrongs are prevented or redressed. Included are all cases which cannot legally be called "criminal cases". Records and documents pertaining to a particular action are filed together by the court clerk, who is required by the Rules of Civil Procedure to file pleadings and other legal papers. Collectively they constitute the case file.

A civil action commences with the filing of a complaint with the court or by service to the defendant of a summons together with a copy of the complaint. A unique case number is assigned by the court when the papers are filed with the clerk. The case file for a particular action includes the original complaint or summons together with all legal papers subsequently filed in connection with the court proceeding through disposition or dismissal. Included are such documents as: depositions (or written testimony), demurrers (which are pleas for the dismissal of a lawsuit on the grounds that even if the statements of the opposition are true, they do not sustain the claim), interrogatories (a pretrial discovery tool in which written questions are propounded by one party and served to the adversary, who must answer by written replies made under oath), answers, counter claims, replies, motions, petitions, affidavits (written statements made under oath before an officer of the court, notary public, or other authorized person), stipulations (an agreement between attorneys that concerns business before a court and is designed to simplify, shorten, or settle litigation and save costs), exhibit documents (written contracts, bills, receipts, etc.), notices, objections, citations, sheriff's certificates, judge's orders and rulings, judge's instructions to the jury, judge's findings of fact and conclusions of law, final decrees, judgments, and executions (the process of carrying into effect a court's judgment, decree, or order).

Demurrers, pleas, and exceptions for insufficiency were abolished in 1953. Transcripts (an official and certified copy of what transpired in court or at an out-of-court deposition) and exhibits (items of real evidence) are not included in the case files.

Petitions for divorce are the predominant type of action in the civil case files. Suits to recover money are also common. These actions arise out of failure to honor promissory notes or other contract terms and non- payment of rent, lease payments, and court-ordered judgments. Attempts by plaintiffs to recover medical costs and lost income arising out of personal injury cases resulting from alleged carelessness or neglect appear frequently. These include traffic mishaps or accidents involving neighbors, employees, or business customers. Property cases include disputed ownership, damage, and contested improvements.

Legal actions include voluntary withdrawal or dissolution of corporations as well as petitions for a writ of habeas corpus (a court order requiring that a prisoner be brought before a judge to decide the legality of his detention or imprisonment). Court business (grand jury lists and reports, orders summoning persons to serve as jurors, various writs, etc.) have also been assigned civil case numbers.

According to statute, the district court has jurisdiction in all civil matters not excepted by the state constitution and not prohibited by law. During each calendar year the court is required to hold at least three terms at the county seat of each county within the district. The county clerk in each county serves as ex- officio clerk to the court and is responsible for maintaining the case files for actions arising in that county.

Responsibility for cases involving minimal monetary claims was reassigned to the newly created small claims departments of inferior courts in 1933. When inferior courts have original jurisdiction, the district court is limited to hearing appeals. Included are violations of city and town ordinances, as well as minor traffic laws, where a City Court or Justice of the Peace Court is established. Upon receipt of an appeal, the district court conducts a complete retrial of the case.

ARRANGEMENT: Case files are arranged numerically by case number.

RESEARCH NOTE: The court began renumbering civil case files beginning with a new case 1 in 1915.

RELATED RECORDS: Series 18187 , CIVIL REGISTERS OF ACTION, record the date any action was taken on a case and briefly state what that action was. Series 18190 , JUDGMENT RECORD BOOKS, contains the text of judgment rendered in court cases.

CUSTODY HISTORY: All case files created between 1896 and 1958 were transferred to the Utah State Archives in 2007. For access to case files post-1958 researchers should contact the

clerk of the Fifth District Court in Iron County.

PROCESSING NOTE: This series was archivally processed by Jim Kichas and Emily Gurr in June 2008 as part of a NHPRC grant project designed to preserve the historic records of Utah's Fifth District Courts.

GAPS IN SERIES: In the first arrangement of case files kept between 1896 and 1915 case files 1, 2, 22, 42, 50, 72, 81, 89, 106, 113, 127, 137, 138, 144, 160, 161, 173, and 177 are missing. The court began renumbering case files in 1915 and case files 4, 28, 138, 150, 181, 192, 199, 225, 335, 340, 342, 344, 349, 389, 593, 638, 639, 811, 819, 964, 1017, 1041, 1123, 1347, 1792, 1800, 1817, 1948, 2065, 2118, 2147, 2246, 2247, 2248, 2523, 2524, 2530, 2741, 2917, 2936, 2946, and 3258 are missing from that arrangement.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

2917, 2936, 2946, and 3258 are missing from that arrangement.

CONTAINER LIST

2917, 2936, 2946, and 3258 are missing from that arrangement.

Reel	Description	Dates
1	Case Files: 3 - 35	1896-1899
2	Case Files: 36 - 75	1899-1903
3	Case Files: 76 - 123	1904-1910
4	Case Files: 124 - 170	1910-1913
5	Case Files: 171 - 195	1914-1915
5	Case Files: 1 - 20	1914-1915
6	Case Files: 21 - 58	1916-1917
7	Case Files: 59 - 106	1918-1919
8	Case Files: 106 - 142	1919-1921
9	Case Files: 143 - 174	1921-1922
10	Case Files: 175 - 236	1921-1922
11	Case Files: 237 - 269	1923
12	Case Files: 270 - 310	1923
13	Case Files: 311 - 366	1924

Reel	Description	Dates
14	Case Files: 367 - 1924 433	
15	Case Files: 434 - 1925 483	
16	Case Files: 484 - 1925-1926 545	
17	Case Files: 546 - 1926-1928 608	
18	Case Files: 609 - 1928-1929 677	
19	Case Files: 678 - 1929-1930 744	
20	Case Files: 745 - 1930 799	
21	Case Files: 800 - 1930-1931 884	
22	Case Files: 885 - 1931 971	
23	Case Files: 973 - 1931-1932 1016	
24	Case Files: 1017 1932-1933 - 1075	
25	Case Files: 1932-1933 1075(a) - 1075(f)	
26	Case Files: 1932-1933 1075(g) - 1123	
27	Case Files: 1124 1932-1933 - 1163	
28	Case Files: 1164 1932-1933 - 1206	
29	Case Files: 1207 1933-1934 - 1263	
30	Case Files: 1264 1934 - 1319	
31	Case Files: 1320 1934 - 1383	
32	Case Files: 1384 1934-1935 - 1438	
33	Case Files: 1439 1935 - 1470	
34	Case Files: 1471 1935 - 1513	
35	Case Files: 1514 1936 - 1555	
36	Case Files: 1556 1936-1937 - 1583	
37	Case Files: 1584 1937 - 1631	

Reel	Description	Dates
38	Case Files: 1632	1937-1938 - 1673
39	Case Files: 1674	1937-1938 - 1722
40	Case Files:	1937-1938 1722(a) - 1772
41	Case Files: 1772	1939 - 1830
42	Case Files: 1831	1939 - 1883
43	Case Files: 1884	1939-1940 - 1942
44	Case Files: 1943	1939-1940 - 1973
45	Case Files: 1974	1940-1941 - 2028
46	Case Files: 2029	1941-1942 - 2097
47	Case Files: 2098	1942-1943 - 2148
48	Case Files: 2149	1943-1944 - 2211
49	Case Files: 2212	1944-1945 - 2303
50	Case Files: 2304	1944-1945 - 2370
51	Case Files: 2371	1945-1946 - 2438
52	Case Files: 2439	1946-1947 - 2505
53	Case Files: 2506	1947-1948 - 2571
54	Case Files: 2572	1948 - 2649
55	Case Files: 2650	1948-1949 - 2715
56	Case Files: 2716	1949 - 2775
57	Case Files: 2776	1949-1951 - 2843
58	Case Files: 2844	1951 - 2955
59	Case Files: 2956	1951 - 3008
60	Case Files: 3009	1951-1952 - 3052
61	Case Files: 3053	1952 - 3105

Reel	Description	Dates
62	Case Files: 3106 - 3171	1952-1953
63	Case Files: 3171 - 3228	1953-1954
64	Case Files: 3229 - 3259	1953-1954
65	Case Files: 3260 - 3337	1954
66	Case Files: 3338 - 3428	1954-1955
67	Case Files: 3429 - 3506	1955-1956
68	Case Files: 3507 - 3595	1956-1958
69	Case Files: 3596 - 3649	1958